



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MAILED

FEB 07 2011

OFFICE OF PETITIONS

Pillsbury Winthrop Shaw Pittman LLP
Attn: Docketing Department
P.O. Box 10500
McLean, Virginia 22102

In re Application of	:	
PFIZENMAIRE ET AL.	:	DECISION GRANTING PETITION
Application No. 10/594,189	:	UNDER 37 CFR 1.137(b)
Filed: 13 July 2007	:	
Atty. Docket No. 040045-0357801	:	

This is a decision on the petition under 37 CFR 1.137(b), filed 17 May 2010, to revive the above-identified application.

The petition is **GRANT**.


The application became abandoned for failure to reply in a timely manner to the Non-final Office Action mailed 8 May 2009 ("outstanding Office action"), which set a shortened statutory period of reply of one (1) month. No reply was received, and five (5) months' extensions of time under the provisions of 37 CFR 1.136(a) were obtained. The application became abandoned on 9 November 2009, with notification mailed 20 January 2010.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Response to the outstanding Office action, (2) a petition fee of \$810.00, and (3) a Statement of unintentional delay. The reply to the outstanding Office action is accepted as having been unintentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$1175.00 extension of time fee submitted with the petition on 17 May 2010 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

General inquiries relating to this decision should be directed to Robert DeWitty, Petitions Examiner, Office of Petitions (571-272-6051).

The application file will be referred to Technology Center Art Unit 1647 for further action on the filed Response.



David Bucci
Petitions Examiner
Office of Petitions